

United States District Court
D.R.I.

• BRYAN SEVEGMY,
Plaintiff

RECEIVED

COMPLAINT

- V. -

JUL 19 2022

U.S. DISTRICT COURT
DISTRICT OF R.I.

CA. No.: _____

• R.I.D.O.C.)
Defendant

I. JURISDICTION & VENUE

• 1. This is a Civil action authorized by 42 U.S.C. § 1983, I seek Declaratory relief pursuant to 28 U.S.C. § 2201, as well as injunctive relief pursuant to 28 U.S.C. § 2202.

• 2. The U.S. District Court for the District of Rhode Island is an appropriate venue to hear this case.

II. PLAINTIFF

• 3. The PLAINTIFF, BRYAN SEVEGMY, is currently a prisoner in the custody of the DEFENDANT, R.I.D.O.C.

III. DEFENDANT

4. The DEFENDANT, RIDOC, is sued in its OFFICIAL CAPACITY. (RIDOC signifies Rhode Island Department of Corrections).

IV. FACTS

5. On ~~about~~ ~~about~~ 4/19/2016 I had been disciplined for allegedly damaging the video court unit & then sanctioned to \$8.00 (eight dollars & zero cents) OF RESTITUTION.
6. On 5/20/2016 I was criminally charged for the alleged destruction of the video court unit described in paragraph 5 of this COMPLAINT.
7. CASE NO: 31-2016-04187 for the Damage to Public Property Video/Audio Transmitting Unit (12-41-12 of RIGL) was dismissed on 5/24/2018 pursuant to RULE 48 A of RI COURT RULES.

8. When the aforementioned charge had been dismissed I was in the custody of the E.S.H. of B.H.D.D.H. & had been for many months.
9. On 11/1/2018 while incarcerated @ the WORCESTER HOUSE OF CORRECTIONS, my INMATE ACCOUNT @ THE RIDOC, ACT had been placed into debt for RESTITUTION for DESTRUCTION OF VIDEO COURT UNIT.
10. According to the INMATE ACCOUNT SUMMARY which I have submitted with the MOTION TO PROCEED IN FORMA PAUPERIS for this here COMPLAINT on 11/1/2018 I accrued a DEBT OF \$4,699.⁰⁰ for RESTITUTION for DESTRUCTION

OF VIDEO COURT UNIT.

IV. EXHAUSTION OF REMEDIES

- 11. On 3/29/22 I submitted a LEVEL 2 GRIEVANCE FORM to resolve my issue, for which the DEPUTY WARDEN PENNESSY responded (allegedly) on 4/3/2022 as "UNPROCESSED" because I violated RIBCO POLICY for not submitting the GRIEVANCE within 7 days.
- 12. On 4/12/22 I had submitted my LEVEL 2 — IT WAS NOT RESPONDED TO.
- 13. (NOTE: I'm sorry to waste this court's TIME on such matters that the decentralization of RIBCO/RIDOC could resolve for the benefit of this STATE & NATION.)
(4)

VI. LEGAL CLAIMS

- 14. The DEFENDANT RIDOC has violated the PLAINTIFF'S 14TH Amendment Right to DUE PROCESS of the U.S. CONST. as described in paragraph 14 of this COMPLAINT, (When I was not even in their custody mind you!) by placing me into DEBT for an INFRACTION for which I had already been Sanctioned to \$8.00 of RESTITUTION as described in paragraph 5 of this COMPLAINT pursuant to RIDOC POLICY, & the DEBT described in paragraph 14 of this COMPLAINT does not conform to the RIDOC POLICY'S process concerning such a sanction.
- 15. As described in paragraph 14 of this COMPLAINT, the DEFENDANT

has violated ART. 1 SEC. 2 of
the R.I. STATE CONST..

16. The DEFENDANT RIDOC has
violated the plaintiff's LIBERTY
INTEREST RIGHT of the 14TH
AMENDMENT of the US CONST.
as described in paragraph 15
of this COMPLAINT.

17. As an obvious act
of RETALIATION by the
DEFENDANT upon the PLAINTIFF
as described in paragraph 7
of this COMPLAINT. Because the
CRIMINAL CHARGE was dismissed,
the DEFENDANT has violated the
PLAINTIFF's 8TH AMENDMENT
RIGHT to the U.S. CONST.

18. As described in paragraph 17
of this COMPLAINT, the DEFENDANT has

violated the PLAINTIFF'S ART. 1
SEC 8 RIGHT of the RI. STATE
CONST.

VII. RELIEF REQUESTED

Wherefore the Plaintiff respectfully
requests that this court grant the following
relief:

19. INJUNCTIVE RELIEF ORDERING
THE DEFENDANT TO:

• A. Relieve the PLAINTIFF of the
\$4699.00 DEBT accrued on 11/1/18
for "RESTITUTION" for "DESTRUCTION OF
VIDEO COURT UNIT"

• B. REFUND the \$37.11 the
DEFENDANT charged the PLAINTIFF for the
illegal "RESTITUTION" "DEBT" accrued on
11/1/2018 on 8/26/21.

• C. REFUND the \$6.52 the
DEFENDANT charged the PLAINTIFF for the
illegal "RESTITUTION" "DEBT" accrued on

11/1/2018 on 10/19/21.

D. REFUND the \$0. ⁷⁶ the DEFENDANT charged the PLAINTIFF for the illegal "RESTITUTION" "DEBT" accrued on 11/1/2018 on 10/27/21.

E. ~~other other other~~ Request that the IRS AUDIT the RDOC (SOMEONE must have REQUISITIONED the money from their TAX PAYERS BUDGET!)

• 20. DECLATORY JUDGEMENT STATING:

• A. The PLAINTIFF's RIGHTS have been VIOLATED by the DEFENDANT as described in SECTION VII LEGAL CLAIMS of this COMPLAINT.

• 21. My court costs paid for by the DEFENDANT.

• 22. JUDGE (BENCH) Trial on all issues triable by JUDGE (BENCH).

• 23. Any additional relief this court deems just, proper & equitable.

VERIFICATION

I, the PLAINTIFF, BRYAN SEVIGNY, hereby verify that the alleged matters herein are true & correct & I do so under the penalty of perjury.

EXECUTED @ E.S.H. on:

7/13/22

Bryan Seigny

BRYAN SEVIGNY
(PRO-SE)

RHODE ISLAND DEPARTMENT OF CORRECTIONS INMATE GRIEVANCE FORM

| | | |
|----------------------------------|--|------------------------------|
| Grievance #: <u>2022-0182</u> | Date Received (Level 1): <u>3/29/2022</u> | Date Received (Level 2): |
|----------------------------------|--|------------------------------|

DO NOT WRITE ABOVE THIS LINE

Part A. - Complaint

Instructions: Provide complete, accurate and legible information. Attach copies of required documentation. If additional space is needed, please attach a separate sheet to this form and include your name and inmate ID number on each sheet of paper. Failure to adhere to the filing procedures outlined in the most recent version of RIDOC policy 13.10; Inmate Grievance Procedure, may result in your grievance being returned as denied or unprocessed.

Inmate Name: BRYAN SEVEGNY Inmate ID#: 135886 Grievance File Date: 3/29/22

NOTE: THIS GRIEVANCE HAS BEEN SUBMITTED ALREADY BY THE OTHER MAJOR COMPLAINT HAS PROCESSED IT.

Facility: ☐ ISC ☐ HSC ☐ MAX ☐ MED ☐ MIN ☐ WOM

Description (Must include the date the incident occurred, the facility where it occurred and the reasonable relief requested):

On 5/24/18 a charge of Damage to Public Property Video/Audio Transmitting Unit was dismissed pursuant to RULE 48A Superior Court Rules. As a result of this dismissal by the STATE OF RI, the RIDOC placed me in debt in NOVEMBER 2018 as an act of retaliation when I was in their custody, and even though I had been sanctioned only \$100.00 of restitution years prior on AUDIO. Please clear me of this illegal 4 thousand dollar debt.

Inmate's Signature: Bryan Sevegny Date: 3/29/22 Received on Record as NOVEMBER 2018. Thank you.

Receiving Staff Signature: _____ Date: _____

DO NOT WRITE BELOW THIS LINE

Part B. - Response

☐ Level 1 - Date Received by Warden/designee: _____ ☐ Level 2

Mr. Sevegny,

This grievance is in violation of Policy 13.10-4. Inmates have seven days to submit a grievance from the time they are aware of the problem. This grievance is returned unprocessed.

Deputy Warden Fennessey

☐ Approved ☐ Denied ☒ Unprocessed ☐ Withdrawn ☐ Referred to: _____

Signature: [Signature] Title: Deputy Response Date: 4/3/2022

Part C. - Appeal

☐ Level 1 Grievance Response Not Received Within Fifteen (15) Days

Instructions: If you wish to appeal your Level 1 grievance decision please sign and date below. **DO NOT** include a statement or summary of your grievance, as it is on file with the Department. This appeal will take into consideration only the grievance statement submitted at Level 1.

Inmate Signature: Bryan Sevegny Date: 4/12/22

Level 1 Distribution: Facility Grievance Officer, Inmate

Level 2 Distribution: Department Grievance Coordinator

A

C.C. RISTATHOUSE